IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4325 OF 2006

Mr.Harish Dhanrajmal Wadhiya .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri.Shirish Gupte, senior counsel with Shri.S.P.H.Hulyalkar & Manik Gargote for the applicant.

Shri.M.S.Mhambre, A.P.P. for the State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13TH DECEMBER, 2006

P.C.:

1. Heard Shri.Gupte, learned senior counsel appearing for the applicant. The applicant has been arrested on 24th August, 2006 in connection with C.R.No.309 of 2006 registered by Wanawadi Police Station, Pune. The offences alleged are forgery and cheating.

2. The applicant has been denied bail by the court below on the ground that the investigatiions are in progress and that the applicant would not co-operate in the same so also, he would tamper with the evidence.

3. The learned A.P.P. after taking instructions makes a statement that the investigations are complete and chargesheet is also filed.

. Shri.Gupte, further submits that at no point of time the applicant has avoided his responsibility to provide flats to the flat purchasers who have entered into the agreements and paid the consideration thereunder. He submits that 104 flats have been made ready. 24 flats/shops are awaiting allotment. The applicant had obtained loans and finances from third parties for completion of the projects. In these circumstances, he had executed agreements merely as a security and that is why some persons are in occupation and possession of the same. He submits that at no stage the applicant denied his obligation under the agreements with the flat purchasers and these third parties would not obstruct the due execution and implementation thereof. However, an opportunity be given to the applicant to complete the

project and put the flat purchasers in possession of the flats/shops. He undertakes to do so expeditiously.

. Considering that the investigations are complet and chargesheet is filed, so also the applicant seeking an opportunity to complete the project, it would be appropriate to enlarge the applicant on bail.

5. Hence, the following order : -

ORDER :

(i) Applicant is directed to be released on bail in connection with the C.R.No.309 of 2006, registered with Wamawadi Police Station, Pune on executing personal bond in the sum of Rs.50,000/- (Rs.Fifty thousand only) with one or two local sureties in like amount.

(ii) The applicant shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

(iii) The applicant shall report to the

concerned police station once in a week on every Saturday between 5.00 p.m. and 7.00 p.m. till conclusion of the trial. The applicant shall deposit his passport, if any, with the Investigating Machinery. The applicant shall not leave India without prior permission of the Trial Court.

(iv) The applicant shall disclose his place of residence to the Investigating Officer as well as the trial court where he would stay after the release on bail and shall report to the trial court before he travel beyond the State of Maharashtra where he would ordinarily reside.

(v) The applicant shall co-operate for early disposal of the trial. In the event, the trial court is of the opinion that the applicant is responsible for delay in trial, that be recorded in roznama and that can be the basis for cancellation of bail.

(vi) Application disposed of.

(S.C.Dharmadhikari, J.)